



**U.S. Department of Justice**

United States Attorney  
District of New Jersey  
*Civil Division*

970 Broad Street, Suite 700  
Newark, New Jersey 07102

*general number: (973) 645-2700*  
*telephone: (973) 645-2835*  
*fax: (973) 297-2010*  
*e-mail: kristin.vassallo@usdoj.gov*

March 3, 2015

**BY ECF**

The Honorable Lois H. Goodman  
United States Magistrate Judge  
Clarkson S. Fisher Federal Building & United States Courthouse  
402 East State Street  
Trenton, New Jersey 08608

Re: Kielty v. FEMA, Civil Action No. 14-CV-3269 (PGS)(LHG)

Dear Judge Goodman:

I am the Assistant United States Attorney representing the defendant in this case, a Freedom of Information Act suit brought by plaintiff Sean Kielty. I respectfully write concerning Mr. Kielty's pending motion to reconsider the protective order issued by this Court on December 8, 2014.

As the Court is aware, FEMA moved for a protective order following the agency's inadvertent disclosure of documents containing highly sensitive personal identifying information (the "Inadvertently Produced Documents"). Mr. Kielty did not oppose the motion, and on December 8, 2014, the Court issued an order (a) directing him to delete all electronic copies of the Inadvertently Produced Documents and return any hard copies of the Inadvertently Produced Documents to FEMA's Regional Counsel; and (b) enjoining him from maintaining, copying, sharing, or using any information in the Inadvertently Produced Documents. On December 17, 2014, Mr. Kielty moved for reconsideration of the December 8, 2014 order. FEMA filed its opposition on December 30, 2014, and the motion has been fully submitted since that date. (Although Mr. Kielty filed additional memoranda of law in support of his motion on January 20, 2015, and February 11, 2015, Local Civil Rule 7.1(d)(3) does not permit a party moving for reconsideration to submit reply papers without permission from the Court.)

It is my understanding that, while Mr. Kielty's motion remains pending, he does not intend to delete the Inadvertently Produced Documents, as required by the December 8<sup>th</sup> Order. Given the highly sensitive nature of the information contained in those documents – which includes the Social Security numbers, dates of birth, and home addresses of FEMA employees – the agency remains very concerned about the possibility of further release. In light of these concerns, we respectfully ask the Court to adjudicate Mr. Kielty's motion

We thank the Court for considering this matter.

Respectfully submitted,

PAUL J. FISHMAN  
United States Attorney

By: /s/ Kristin L. Vassallo  
KRISTIN L. VASSALLO  
Assistant United States Attorney

cc: Sean Kielty, Esq. (By ECF)